

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 16-20437

MILLICENT TRAYLOR,

Defendant.

ORDER DIRECTING THE GOVERNMENT TO FILE A SUPPLEMENTAL BRIEF

Defendant Millicent Traylor was convicted by jury of conspiracy to commit health care fraud, 18 U.S.C. §§ 1349 and 1347, conspiracy to pay and receive healthcare kickbacks, 18 U.S.C. § 371, and five counts of health care fraud, 18 U.S.C. § 1347. (ECF No. 236, PageID.2290.) On September 27, 2018, the court sentenced her to 135 months imprisonment. (ECF No. 236, PageID.2291.) She was resentenced on May 21, 2020, to 120 months imprisonment. (ECF No. 310, PageID.3386.)

On April 7, 2020, Defendant moved for compassionate release under 18 U.S.C. § 3582(c)(1)(A), citing health risks presented by the Coronavirus Disease (“COVID-19”). (ECF No. 298.) The court denied the motion on April 22, 2020. (ECF No. 301.) On July 24, 2020, Defendant filed a second motion for compassionate release. (ECF No. 313.) The court denied Defendant’s second motion on September 9, 2020. (ECF No. 321.)

Defendant has filed a third motion for compassionate release. (See ECF No. 329, PageID.3611-3619, Defendant’s Motion (arguing that 18 U.S.C. § 3553(a) sentencing

factors weigh in favor of Defendant's release).) The government has filed a response. (ECF No. 331.)

Defendant argues that COVID-19 presents a severe risk to her health. (ECF No. 329, PageID.3598-3604.) However, the government asserts that, at the time of its response on March 15, 2021, Defendant had "received her first dose of the Pfizer COVID-19 vaccine." (ECF No. 331, PageID.3649.) At the time of its response, the government presumed Defendant would be offered the final, second dose "in the very near future." (*Id.*)

Defendant's vaccination status is a significant consideration in determining whether compassionate release is warranted. See 18 U.S.C. § 3582(c)(1)(A) (requiring that a prisoner have "extraordinary and compelling" circumstances to obtain compassionate release). If Defendant is fully vaccinated, that fact will impact the court's analysis of her motion for release. Thus, the court will direct the government to file a supplemental brief stating whether Defendant has received both doses of the Pfizer COVID-19 vaccine. In the supplemental brief, the government must provide citations to medical records, affidavits, or other supportive material. Medical or prison records were not included with the government's March 15 response brief. Accordingly,

IT IS ORDERED that the government is DIRECTED to file a supplemental brief by **May 10, 2021**, stating, with citations to appropriate support, whether Defendant has received two doses of the Pfizer COVID-19 vaccine.

s/Robert H. Cleland /
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: April 23, 2021

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, April 23, 2021, by electronic and/or ordinary mail.

s/Lisa Wagner /
Case Manager and Deputy Clerk
(810) 292-6522

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